

ORIGINAL

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9/18/01
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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SYDNEY BRADSHAW
Plaintiff

1:CV-01-0755
(Judge Caldwell)

v.

PATRICIA L. SAUERS, M.D.
YORK COUNTY PRISON, and EMA
Defendants

**FILED
HARRISBURG
SEP 17 2001**

**ANSWER AND AFFIRMATIVE DEFENSES
OF THE DEFENDANTS**

**MARY E. D'ANDREA, CLERK
Per _____ DEPUTY CLERK**

AND NOW, come the Defendants, Patricia L. Sauers, M.D., and York County
Prison, by and through Donald L. Reihart, Esquire, Assistant Solicitor for York County,
Pennsylvania and answers the Complaint of the Plaintiff as follows:

I.

PRELIMINARY STATEMENT

DENIED

On the contrary it is averred that Plaintiff received substantial health care while an inmate at the York County Prison. The health care was in compliance with the constitutional rights of the Plaintiff. It is denied that Plaintiff was treated inappropriately.

II.

JURISDICTION

1. Admitted.
2. Admitted. Plaintiff, Sydney Bradshaw was incarcerated at the York County Prison from August 29, 2000 until June 27, 2001.
3. Admitted. It is admitted that Patricia L. Sauers, M.D. was the Medical Director of the York County Prison.

III.

FACTS

5. On the contrary, medical records confirm that Darvoset had been discontinued two weeks before his admission to the York County Prison. As a result of an examination of the Plaintiff, he was prescribed Motrin, Tagamet, Klonopin, Prosac, and Baclofen.
6. It is admitted that the Plaintiff was not given the medication that he requested because it was not medically appropriate to continue this medication on this Plaintiff who had a history of drug abuse.
7. It is admitted that a prescription for Naprosyn and Soma was given to the Plaintiff during his period of incarceration. However, on September 17, 2001, he was found to be hoarding the medication and it was discontinued.
8. Denied in Part. While it is admitted that Dr. Sauers stopped the administration of Soma, it is noted that Plaintiff was an inmate who had a history of psychiatric problems

and chronic back pain. He had been non-compliant with his prescribed medications at the York County Prison and at least one other facility. Dr. Sauers noted that he had hoarded medication and given it to other inmates.

Plaintiff submitted at least 44 sick call slips during his incarceration asking for narcotics, muscle relaxants and benzodiazepines. Plaintiff claims at least two injuries to his back during his incarceration at York County Prison and neither of these incidences were there any witnesses or evidence of physical injury to his body. He was seen by multiple physicians and health care providers who never noted even an appearance of severe distress, secondary to back pain. The healthcare providers consistently noted the absence of signs of significant musculoskeletal disease. Dr. Sauers and the other health care providers prescribed medication appropriate to Plaintiff's level of pain. Narcotic therapy is reserved for inmates with pain due to terminal illness, postoperatively, or for acute severe injuries. It was medically inappropriate to prescribe narcotics for Plaintiff because there were no significant physical findings to justify it. Spinal X-rays at the Federal facility and the York County Prison showed no abnormalities. Because of the discrepancy between the Plaintiff's claims of severe and his physical findings, it was concluded that Plaintiff displayed "typical drug seeking behavior". The care provided to the Plaintiff was appropriate and adequate medical care.

9. Denied. On the contrary, Plaintiff is without information sufficient to form a belief as to the truth of the averment and proof thereof is demanded at trial.

10. Admitted.

WHEREFORE, Defendants request your Honorable Court to enter judgment against the Plaintiff and in favor of said Defendants, together with costs of suit and reasonable counsel fees.

AFFIRMATIVE DEFENSES

Defendants raise the following affirmative defenses to each and every claim raised in Plaintiff's Complaint.

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim against the Defendants upon which relief can be granted.

SECOND DEFENSE

Plaintiff's claim is barred because he failed to exhaust remedies required by 42 U.S.C. §1997 (e).

THIRD DEFENSE

The action is frivolous and malicious and should be dismissed under 28 U.S.C. § 1915 (e).

FOURTH DEFENSE

The Defendants are immune from suit under the laws of the Commonwealth of Pennsylvania.

FIFTH DEFENSE

The Defendants are absolutely immune to Plaintiff's Complaint

SIXTH DEFENSE

The claims of the Plaintiff are barred because the actions of the Defendants were justified, privileged, and reasonable and the Defendants have qualified immunity.

SEVENTH DEFENSE

The doctrine of abstention should be applied in this case because the Plaintiff, if he has any recourse which is denied, should be pursued under the State law.

EIGHTH DEFENSE

No constitutional right of the Plaintiff was violated by any of the Defendants.

WHEREFORE, Defendants request your Honorable Court to deny Plaintiff the relief requested and to enter Judgment in favor of said Defendants and against the plaintiff, together with costs of suit and reasonable counsel fees.

Respectfully submitted,

By: 

Donald L. Reihart, Esq.
Sup. Ct. I.D. #07421
2600 Eastern Boulevard
Suite 204
York, PA 17402-2904
Telephone (717) 755-2799
Assistant County Solicitor for York
County

Dated:

CERTIFICATE OF SERVICE

I, Donald L. Reihart, Esquire, certify that a true and correct copy of the foregoing Answer and Affirmative Defenses of the Defendants was caused to be served on the date shown below by depositing same in the United States mail, first-class, postage prepaid thereon, addressed as follows:

Sydney Bradshaw
York County Prison
3400 Concord Road
York, PA 17402

Respectfully submitted,

By:


Donald L. Reihart, Esq.
Sup. Ct. I.D. #07421
2600 Eastern Boulevard
Suite 204
York, PA 17402-2904
Telephone (717) 755-2799
Assistant Solicitor for York County

Date: _____